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**OCT 06 2005**

In re Application of	:	
Ihl-Ho Lee	:	<b>OFFICE OF PETITIONS</b>
Application No. 10/699,161	:	DECISION ON PETITION
Filed: October 31, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 51876P407	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 29, 2005,<sup>1</sup> to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot**.

Unfortunately, the instant petition was not received within sufficient time to avert the issuance of the above-identified application into a patent. The Office sincerely apologizes for any inconvenience caused petitioner in this matter.


Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**.

Since this application has issued, the concurrently filed request for continued examination (RCE) is improper and will not be processed. No fees have been assessed to either the RCE or petition to withdraw from issue.

The Information Disclosure Statement has been placed in the file record of the above-identified application without further consideration. See 37 CFR 1.97(i).

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

  
Frances Hicks  
Lead Petitions Examiner  
Office of Petitions

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<sup>1</sup> This is the date of receipt in the Central Fax Center. The petition was received in the Office of Petitions on October 5, 2005.